

IN THE UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF TENNESSEE
NASHVILLE DIVISION

MARGARET CRAIG, as next of)
kin and personal representative)
of the estate of Angela Hulsey,)

Plaintiff,)

vs.)

CHEATHAM COUNTY, TENNESSEE,)
et al.,)

Defendants.)

No. 3:17-cv-01335

JURY DEMAND

JUDGE CAMPBELL

MAGISTRATE HOLMES

The deposition of

BENJAMIN MOORE

November 6, 2018

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1 I think you may have heard earlier today when I was deposing
2 Mr. Hannah: sometimes we talk over each other. I'm going to
3 try and do a very good job of letting you finish answering
4 before I jump in with my next questions, and if you can let
5 me get that question mark on the question before you jump in,
6 that would be helpful, especially to the court reporter.

7 Mr. Moore, tell me a little bit about your
8 background. First off, how old are you?

9 A. Thirty-one.

10 Q. And where are you from originally?

11 A. Ashland City, Tennessee.

12 Q. All right. And have you ever been involved in a
13 lawsuit before?

14 A. That case that you referred to with Mr. Hannah, I
15 can't remember the name of the individual, but I was named in
16 it because I was present, but I never had to give a
17 deposition on the case.

18 Q. Okay. I'll look back and see which one that was.
19 That's fine.

20 Is that the only other lawsuit you've been involved
21 in?

22 A. Yes, sir.

23 Q. Okay. And I'm sure that I brought it up that it
24 involved activities at the jail?

25 A. Yes, sir.

1 receive any training in how to recognize whether or not a
2 detainee or inmate was in need of medical care?

3 A. Right.

4 Q. Have you received any discipline or reprimands from
5 Cheatham County?

6 A. I have.

7 Q. All right. And what are the nature of those?

8 A. I believe I was late to work a couple times. It's
9 been a while. If I can remember correctly. I may have had
10 one or two infractions of policy. Other than that, I can't
11 think of anything else.

12 Q. All right. Did any of those infractions involve
13 direct involvement with an inmate or detainee?

14 A. Not to my knowledge.

15 Q. All right. I think it's Michael Floyd, is that
16 the...

17 A. That may be him. I can't remember.

18 Q. The other name we had, I think --

19 A. That's the -- I'm not sure if that was his name or
20 not.

21 Q. The other name we had was Chizum Whaley.

22 A. I don't know who that is.

23 Q. Okay.

24 A. It may -- it may be Mr. Floyd.

25 Q. All right. What do you recall of that incident?

1 A. I worked midnight shift at the time. I believe the
2 individual -- him -- was booked in on evening shift. I can't
3 remember what charge or for what. I think he was brought in
4 by highway patrol. When I had came on his shift, I was
5 briefed that the individual was intoxicated and he was
6 sleeping it off in his cell, which I observed, when I come in
7 he was snoring. We were told to do a watch on him. And we
8 continued a watch on him from 10:00 until, if I can remember
9 correctly, it might have been around 2:30, 3:00 in the
10 morning, approximately. We didn't hear any more snoring from
11 him. I think I entered the cell and observed no pulse. He
12 was unresponsive at the time. We called 911. When they
13 responded, they pronounced the individual deceased.

14 Q. All right. When you say "do a watch," we kind of
15 talked about some of that, but tell us what that means to
16 you.

17 A. Like a medical watch. I think it was set for every
18 hour. We go to the inmate's cell or in the cell, make sure
19 they're breathing, physically, if we can see them breathing.
20 And that gentleman's case, he appeared to be asleep, was
21 snoring, he had respiration, and we just logged it down that
22 he was sleeping.

23 Q. Did you get directed to do the medical watch by a
24 nurse or some type of medical provider?

25 A. We were just briefed by the previous shift

1 supervisor.

2 Q. Do you know if the direction to do a medical watch
3 had been done by a nurse in that case?

4 A. I'm not sure.

5 Q. There was another case, I don't know if you -- I'm
6 not saying you had any involvement in it -- but there was a
7 Joel Long that was in August of 2011. I think you would
8 have --

9 A. I'm familiar with that but I was not working that
10 day.

11 Q. Okay. So you don't have any personal knowledge
12 about that incident?

13 A. No, sir.

14 Q. Okay. I guess while we're on it, do you recall any
15 issue of there being an outbreak of scabies at the time back
16 in October of 2016?

17 A. We've had a breakout of scabies in the jail before
18 but I can't answer if there was one at that current time.

19 Q. Okay. Are you aware of any changes that would have
20 been made to any of the policies and procedures at the jail
21 in response to the incident involving Michael Floyd that we
22 talked about?

23 A. No.

24 Q. Other than the Floyd -- the incident with
25 Mr. Floyd, have you had any other dealings, not including

1 recollection of Ms. Hulsey, or at least the interaction you
2 had with her on the 10th, based upon reviewing a record and
3 saying, okay, I must have had an interaction, or do you have
4 an independent recollection of actually interacting with her
5 on the 10th?

6 A. No. I mean I know that she was up there. I'm
7 pretty sure that she was on med watch on the 10th. And at
8 some point I'm sure I did a med watch check on her.

9 Q. All right. And if there's some initials on a check
10 and -- on the med watch form that belong to you, you're not
11 disputing that that would be accurate?

12 A. Right.

13 Q. But you, as we sit here today, could not tell us an
14 actual recollection of that incident other than knowing that
15 it's on the form?

16 A. Correct.

17 Q. Okay. What recollection do you have then, if any,
18 of any interaction with Ms. Hulsey outside of knowing that
19 you did interact with her based on a form or report?

20 A. If I remember correctly, on maybe the 11th, I think
21 she had a bowel movement, and I had a female officer take her
22 to the shower.

23 Q. All right. Anything else that you recall on that
24 date?

25 A. No.

1 Q. And were you working first shift?

2 A. Yes, sir.

3 Q. Okay. Were you aware at that time that she had had
4 other bowel movements?

5 A. No.

6 Q. Okay. Did you log the bowel movement as a
7 significant event?

8 A. I'm wanting to say I did but I'm not 100 percent
9 sure if I did or not.

10 Q. And if you logged it, would it be in the booking
11 log?

12 A. Either that or the medical observation.

13 Q. Okay. So in one of those two areas, if it was
14 logged, then that's where --

15 A. It would be --

16 Q. -- we would find it?

17 A. -- in one of those --

18 Q. Okay.

19 A. -- correct.

20 Q. After directing a female officer to take her to the
21 shower to get cleaned up, what's the next recollection you
22 have of Ms. Hulsey?

23 A. I believe she saw the nurse that day. I'm not 100
24 percent sure. I would assume she did.

25 Q. Do you have a recollection of her interaction with

1 A. And if I'm not mistaken, I think the nurse had
2 maybe gave her some Tylenol and placed her back in the cell
3 and continued med watch.

4 Q. All right. What's your next recollection after she
5 had the shower, maybe got some Tylenol, and was put back in
6 the cell?

7 A. I heard a loud banging noise from the cell. It was
8 another inmate alerting that Ms. Hulsey was not responsive
9 and was drooling. I entered the cell, observed Ms. Hulsey
10 not responding and drooling. I immediately, you know, got
11 the nurse. The nurse had came in, tried to get her to
12 respond, there was no response. She asked for an ammonia
13 capsule, I believe, and we tried to put ammonia in her nose
14 and she didn't respond to that. And then, if I can remember
15 correctly, the nurse asked me to get the pulse ox meter out
16 of her office, which I did. And she put it on Ms. Hulsey.
17 And then advised me to call 911. And I believe the nurse
18 was -- after that had started performing CPR while I was
19 talking to emergency services.

20 Q. All right. Did you personally call 911?

21 A. Yes, I did.

22 Q. All right. You personally did not participate in
23 the CPR?

24 A. No.

25 Q. Okay. Do you recall what you told the 911

1 operator?

2 A. If I can remember correctly, I told him that we had
3 a nonresponsive inmate in the cell, gave them her approximate
4 age, weight, and I believe that was it.

5 Q. Did you tell them that she was coming off drugs?

6 A. No.

7 Q. Do you know of anybody else at the jail that would
8 have told them that she was coming off drugs?

9 A. If the nurse had contact with EMS afterwards and
10 had conversations that I didn't hear, maybe, but I'm not
11 sure.

12 Q. All right. Do you know of any information that
13 would support the statement that Ms. Hulsey was coming off
14 drugs at the time?

15 A. If I remember correctly, I read that Ms. Hulsey
16 advised the nurse that she had used heroin, she was on
17 heroin.

18 Q. All right. And that's Nurse Plank?

19 A. Yes, sir.

20 Q. And you read that out of Nurse Plank's notes?

21 A. Right.

22 Q. Okay. So is it fair to say you wouldn't have known
23 that until after Nurse Plank prepared those notes?

24 A. Correct.

25 Q. And that would have been after this incident was

1 over?

2 A. Correct, yeah.

3 MR. USERY: Object to form.

4 A. I never -- I never asked Ms. Hulsey during that
5 time period that she was there if she was on drugs or
6 anything, so...

7 Q. (By Mr. Moseley) So you don't know of anybody at
8 the jail that would have told the 911 operator that she was
9 coming off drugs?

10 A. Not to my recollection, no.

11 Q. Okay. Did you know at the time why Ms. Hulsey was
12 having repeated bowel movements?

13 A. I just assumed that she was detoxing. She was just
14 having similar symptoms of somebody that would be detoxing.

15 Q. All right. Did you ever inform the nurse that
16 Ms. Hulsey was detoxing?

17 A. I told her that she might have been detoxing, that
18 she was having symptoms of that, yes.

19 Q. And was that before or after Ms. Hulsey became
20 nonresponsive?

21 A. May have been before. I'm not sure.

22 Q. Okay.

23 A. I know at some point I'm pretty sure I did. I'm
24 not sure when.

25 Q. Did -- were you ever briefed by anybody from a

1 prior shift about Ms. Hulsey being in med watch because of
2 detox?

3 A. I know that she was sent to population at one point
4 and was brought back to booking. I was briefed of that, that
5 she was feeling ill again. I believe that was by Mr. Mark
6 Bryant.

7 Q. All right. But you were never told that she was
8 detoxing?

9 A. No. Not formally, no.

10 Q. Okay. That was an assumption you made based on the
11 observations that you had seen?

12 A. Correct.

13 Q. Okay. Did you ever observe Ms. Hulsey having any
14 kind of swollen limbs?

15 A. No.

16 Q. What about any kind of discoloration to her skin?

17 A. No.

18 Q. If you had observed those, would you have logged
19 that?

20 A. Yes, and I would have notified the nurse.

21 Q. All right. That would be the kind of thing that
22 you would believe is a significant medical situation?

23 A. Correct.

24 MR. USERY: Object to form.

25 MS. WILLIAMS: Object to the form.